

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1867 OF 2003

Ms.Gauri Godse for the Petitioner.

Mr.V.K. Pradhan for Respondents Nos. 1 to 4.

Office Notes, Office
Memoranda of Coram, Court's or Judge's
appearances, Court's orders
order or directions

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CORAM: D.K.DESHMUKH, J.

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DATED: 20TH APRIL, 2005

P.C.:

At the request of the learned Counsel for the Petitioner the name of the Respondent No.1 is permitted to be deleted.

1. Rule. Returnable forthwith.
Heard finally by consent of parties.

2. By this petition the Petitioner challenges the order passed by the Appellate Court declining to condone the delay in filing the Appeal. According to the Petitioner, the

petitioner was not well and therefore delay occurred in filing the appeal. In my opinion, considering that the Petitioner is willing to pay the costs and as the appeal involves tenancy rights of the Petitioner, it will be appropriate to condone the delay. In my opinion, following order would meet the ends of justice.

O R D E R

The order impugned in the petition is set aside. The delay in filing the appeal is condoned. Appellate Court is directed to hear and dispose of the appeal on merits, subject to the condition that within a period of eight weeks from today the Petitioner pays to the Respondent as and by way of costs of this petition an amount of Rs.2,000/-.

In case the amount of cost is not paid within the aforesaid period, then the office shall treat this petition as dismissed without any reference to the Court.

Ad-interim order presently operating
in this petition will continue to
operate for a period of 12 weeks
from today.

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